

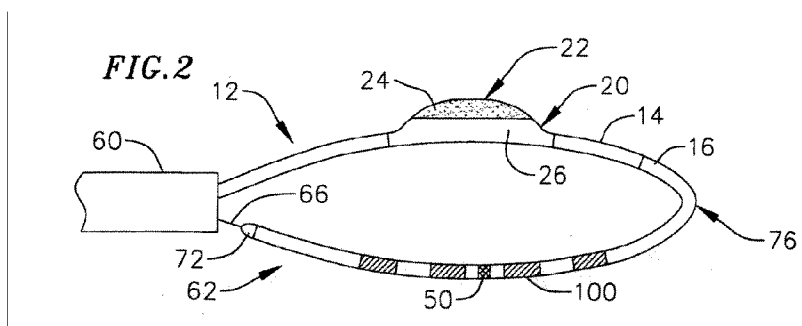
## REMARKS

### I. PRELIMINARY REMARKS

Claims 1, 4 and 6 have been amended.<sup>1</sup> Claims 37-47 have been added. No claims have been canceled. Claims 1-10 and 37-47 remain in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

### II. BRIEF DESCRIPTION OF AN EXEMPLARY EMBODIMENT

The present inventions, as defined by the claims, are directed to probes that may be used for therapeutic purposes. Referring to Figure 2, one exemplary probe includes a catheter 12 that may be carried within a sheath 60. The catheter 12, which includes a hinge that is more flexible than the adjacent portions of the catheter, may be bent into a loop 62 using a pull wire 66. [Note element 74 in Figure 13, and the apex 76 of the loop.] An inflatable electrode 20 is supported on the catheter 12 on one side of the hinge and a thermocouple 50 and sensing electrodes 100 are supported on the other.



<sup>1</sup> Applicant notes that the amendment to claim 6 merely corrects a grammatical error.

### III. PRIOR ART REJECTIONS

#### A. The Rejection

Claims 1, 2 and 7-9 have been rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,076,012 to Swanson (“the Swanson ‘012 patent”). Claims 1 and 3-6 have been rejected under 35 U.S.C. § 103 as being unpatentable over the Swanson ‘012 patent.

Claims 1-4 and 7-10 have been rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,012,457 to Lesh (“the Lesh ‘457 patent”).

The rejections under 35 U.S.C. §§ 102 and 103 are respectfully traversed with respect to the claims as amended above. Reconsideration thereof is respectfully requested.

#### B. Discussion Concerning the Rejections Based on the Swanson ‘012 Patent

Independent claim 1 calls for a combination of elements including, *inter alia*, “an elongate body, defining a distal region ... ***including a hinge portion that is more flexible than portions of the elongate body immediately proximal to the hinge portion and immediately distal of the hinge portion,***” “an inflatable tissue coagulation body supported on the elongate body distal region” and “a control element.” The respective combinations defined by claims 2-9 include, *inter alia*, the elements recited in claim 1. The cited reference fails to teach or suggest such combinations.

The loop structure 424 illustrated in Figure 82 of the Swanson ‘012 patent includes a catheter body that is secured to a sheath 442 to form a loop. The catheter body also supports an inflatable electrode body 428. The structure illustrated in Figure 82 does not, however, include a hinge portion. In the context of the rejection under 35 U.S.C. § 103, the Office Action asserted that (1) it would have been obvious to mix and match various elements of the loop structures illustrated in Figures 25 and 82 of the

Swanson '012 patent, and (2) the loop structure illustrated in Figure 25 includes a “hinge portion (186).”

With respect to the first assertion, applicant respectfully submits that there is nothing in the Swanson '012 patent which would have motivated one of skill in the art to pick and choose amongst the disparate structures illustrated in Figures 25 and 82. Turning to the second assertion, and even assuming that there was some reason to piece together various elements of the loop structures illustrated in Figures 25 and 82, it is not entirely clear whether or not the Office Action was indicating that the end cap 186 in and of itself purportedly corresponds to the claimed “hinge portion,” or whether the end cap 186 and the portion of the spline element 172 that is aligned therewith purportedly corresponds to the claimed “hinge portion.” Should the rejection be repeated, clarification is hereby requested. In either case, there is nothing in the Swanson '012 patent which indicates that the end cap 186 is more flexible than the portions of the spline element 172 on opposite sides of the end cap 186, or that the end cap 186 and the aligned portion of the spline element 172 is more flexible than the portions of the spline element 172 on opposite sides of the end cap 186.

As the Swanson '012 patent fails to teach or suggest each and every element of the combination recited in independent claim 1, applicant respectfully submits that claims 1, 2 and 7-9 are patentable thereover and that the rejection of claims 1, 2 and 7-9 under 35 U.S.C. § 102 should be withdrawn. The Swanson '012 patent also fails to render claim 1 obvious and, accordingly, the rejection of claims 1 and 3-6 under 35 U.S.C. § 103 should also be withdrawn.

### **C. Discussion Concerning the Rejections Based on the Lesh '457 Patent**

As illustrated in Figure 4, the Lesh '457 patent discloses an ablation device including a guidewire 102 and an ablation catheter 103 that has a catheter body 130 and an ablation element 160. The catheter body 130 is urged along the guidewire 102 in order to properly position the ablation element 160. Thus, in contrast to the combination

of element defined by independent claim 1, the guide wire 102 is not “fixedly secured” to the catheter body 130.

As the Lesh ‘457 patent fails to teach or suggest each and every element of the combination recited in independent claim 1, applicant respectfully submits that claims 1-4 and 7-10 are patentable thereover and that the rejection of claims 1-4 and 7-10 under 35 U.S.C. § 102 should be withdrawn.

#### IV. NEWLY PRESENTED CLAIMS

Newly presented independent claim 37 calls for a combination of elements comprising “an elongate body, defining a distal region with a hinge portion, a distal end and a proximal region, adapted to be carried within the outer member interior bore,” “an inflatable tissue coagulation body supported on the elongate body distal region and located ***one of distal of and proximal to the hinge portion***,” “at least one sensing element located ***the other of distal of and proximal to the hinge portion***” and “a control element defining a distal portion associated with the distal end of the elongate body and a proximal portion extending along the exterior of the elongate body toward the proximal region of the elongate body.” Applicant respectfully submits that the cited references fail to teach or suggest such a combination and that claims 37-42 are patentable thereover.

Newly presented independent claim 43 calls for a combination of elements comprising “an elongate body, defining a distal region, a distal end and a proximal region, adapted to be carried within the outer member interior bore,” “an inflatable half-balloon tissue coagulation structure supported on the elongate body distal region and ***configured to expand in some radial directions relative to the elongate body and to not expand in other radial directions relative to the elongate body***” and “a control element defining a distal portion associated with the distal end of the elongate body and a proximal portion extending along the exterior of the elongate body toward the proximal region of the elongate body.” Applicant respectfully submits that the cited

references fail to teach or suggest such a combination and that claims 43-47 are patentable thereover.

**V. CLOSING REMARKS**

In view of the foregoing, it is respectfully submitted that the claims in the application are in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested. Allowance of the claims at an early date is courteously solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call applicant's undersigned representative at (310) 563-1458 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0638. Should such fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor.

Respectfully submitted,

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/Craig A. Slavin/

Date

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